REMARKS

35 U.S.C. § 102 Claim Rejections

By the Office Action dated October 10, 2003, the Examiner has rejected claims 1, 3, 5, 7. 10, and 12 under 35 U.S.C. § 102(e) as being anticipated by Gazdzinski, U.S. Patent No. 6,615,175 (hereinafter "Gazdzinksi"). In order to be an anticipation of a claim under 35 U.S.C. § 102(e), a reference must teach every element of the claim, including the relationships between the elements. If any element is not fully taught by the reference, the rejection cannot be sustained.

Evaluating Gazdzinksi in this light, it is appropriate to examine the portions of Gazdzinksi which the Examiner has pointed to as teaching the claimed elements.

Claims 1, 5, and 10

The Examiner has asserted that

> [r]egarding claims 1, 5, and 10, Gazdzinksi teaches a method, program storage device readable by a machine to perform the method steps and a system comprising means for interjecting messages into a real-time isochronous discourse between a plurality of users (passengers), (col. 20, lines 42-57) comprising: providing a system (advertising sub-system) for accessing a real-time isochronous discourse between two or more callers, (col. 20, lines 59-62); accessing a real-time isochronous discourse between two or more callers (passengers), (col. 20, lines 59-62); monitoring the discourse between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system, (col. 20, line 59-col. 21, line 5); and communicating the desired message to the callers when the discourse is determined to be related to the desired message, (col. 21, lines 14-43); and continuing the above steps unit the discourse being accessed is terminated by the callers or the system, (col. 21, lines 44-55).

(See Office Action, page 2, paragraph 5.)

Claim 1

To the extent the Examiner's language at page 2 of the Office Action can be understood, it appears that the Examiner has asserted the following correspondence between Gazdzinksi and claim 1, as amended:

Claim 1	Gazdzinksi
A method of interjecting messages into a real-time isochronous discourse between a plurality of users comprising the steps of:	-
providing a system for accessing a real-time isochronous discourse *on a telephone* between two or more callers;	Gazdzinksi does not teach this claim element.

accessing a real-time isochronous discourse *on the telephone* between two or more callers;	Gazdzinksi does not teach this claim element.
monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system;	Gazdzinksi does not teach this claim element.
communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message; and	Gazdzinksi does not teach this claim element.
continuing the above steps until the discourse being accessed is terminated by the callers or the system.	-

In reviewing the cited portions of Gazdzinksi, however, it becomes apparent that Gazdzinksi has been generalized, and, in fact, does not support the position asserted by the Examiner.

providing a system for accessing a real-time isochronous discourse *on a telephone* between two or more callers

In particular, Gazdzinksi fails to teach "providing a system for accessing a real-time isochronous discourse *on a telephone* between two or more callers", as required by claim 1, as amended. Instead, Gazdzinksi discloses "[a]n information and control system for personnel transport devices . . . that is coupled to the elevator system of a building, and includes a touch panel input device, a flat panel display having a touch sensitive screen, and speech recognition and synthesis systems serving each elevator car." (See Gazdzinksi, Abstract and Fig. 1.) In addition, Gazdzinksi discloses that "[i]n prompt mode, the speech of one or more passengers on the elevator car 180 is sampled and analyzed in real time to determine the general topic of conversation between the passengers." (See Gazdzinksi, column 20, lines 59-62.) Thus, Gazdzinksi teaches providing a communication system for passengers of an elevator and, thus, does not teach providing the ability to access a telephone conversation as required in claim 1, as amended. Specifically, claim 1, as amended, requires "providing a system for accessing a real-time isochronous discourse *on a telephone* between two or more callers". Thus, Gazdzinksi cannot teach the claim 1 element of "providing a system for accessing a real-time isochronous discourse *on a telephone* between two or more callers".

accessing a real-time isochronous discourse *on the telephone* between two or more callers

In addition, Gazdzinksi fails to teach "accessing a real-time isochronous discourse *on the telephone* between two or more callers", as required by claim 1, as amended. Since Gazdzinksi cannot teach the claim 1 element of "providing a system for accessing a real-time isochronous discourse *on a telephone* between two or more callers", Gazdzinksi cannot teach the claim 1 element of "accessing a real-time isochronous discourse *on the telephone* between two or more callers".

monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system

In addition, Gazdzinksi fails to teach "monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system", as required by claim 1, as amended. Since Gazdzinksi cannot teach the claim 1 element of "accessing a real-time isochronous discourse *on the telephone* between two or more callers", Gazdzinksi cannot teach the claim 1 element of "monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system" since in order to monitor a telephone conversation, the telephone conversation would have to be first accessed.

communicating the desired message via the telephone to the callers when the discourse is determined to be related to the desired message

Also, Gazdzinksi fails to teach "communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message", as required by claim 1, as amended. Instead, Gazdzinksi discloses that the "CELP or other format audio file is decompressed and converted to an analog representation using the speech synthesis module 112 (FIG. 1) and amplified over the speakers 111 in the elevator car 180 if desired." (See Gazdzinksi, column 21, lines 39-43 and Fig. 1.) Thus, Gazdzinksi teaches communicating an analog representation of an audio file, a message, to passengers of an elevator car via the *speakers* of the elevator car. However, claim 1, as amended, requires "communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message". In other words, claim 1 requires communicating the message via the same *telephone* that the callers are communicating on. Therefore, Gazdzinksi teaches away from claim 1, as amended, by teaching communicating a message (1) by the *speakers* of an elevator car to passengers of the elevator car and (b) not via a *telephone* to callers involved in a discourse on the *telephone*. Thus, Gazdzinksi cannot teach the claim 1 element of "communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message".

It is therefore clear that Gazdzinksi cannot teach each element of claim 1 and, therefore, a rejection of claim 1 under 35 U.S.C. § 102(e) is inappropriate.

Claim 5

To the extent the Examiner's language at page 2 of the Office Action can be understood, it appears that the Examiner has asserted the following correspondence between Gazdzinksi and claim 5, as amended:

Claim 5	**Gazdzinksi**
A system for interjecting messages into a real-time isochronous discourse between a plurality of users comprising:	-
means for accessing a real-time isochronous discourse *on a telephone* between two or more callers;	Gazdzinksi does not teach this claim element.
means for monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system; and	Gazdzinksi does not teach this claim element.

means for communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message.	Gazdzinksi does not teach this claim element.

In reviewing the cited portions of Gazdzinksi, however, it becomes apparent that Gazdzinksi has been generalized, and, in fact, does not support the position asserted by the Examiner.

means for accessing a real-time isochronous discourse *on a telephone* between two or more callers

In particular, Gazdzinksi fails to teach "means for accessing a real-time isochronous discourse *on a telephone* between two or more callers", as required by claim 5, as amended. Instead, Gazdzinksi discloses "[a]n information and control system for personnel transport devices . . . that is coupled to the elevator system of a building, and includes a touch panel input device, a flat panel display having a touch sensitive screen, and speech recognition and synthesis systems serving each elevator car." (See Gazdzinksi, Abstract and Fig. 1.) In addition, Gazdzinksi discloses that "[i]n prompt mode, the speech of one or more passengers on the elevator car 180 is sampled and analyzed in real time to determine the general topic of conversation between the passengers." (See Gazdzinksi, column 20, lines 59-62.) Thus, Gazdzinksi teaches a means for providing a communication system for passengers of an elevator and, thus, does not teach a means for accessing a telephone conversation as required in claim 5, as amended. Specifically, claim 5, as amended, requires "means for accessing a real-time isochronous discourse *on a telephone* between two or more callers". Thus, Gazdzinksi cannot teach the claim 5 element of "means for accessing a real-time isochronous discourse *on a telephone* between two or more callers".

means for monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system

In addition, Gazdzinksi fails to teach "means for monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system", as required by claim 5, as amended. For similar reasons that Gazdzinksi fails to teach "means for accessing a real-time isochronous discourse *on a telephone* between two or more callers", Gazdzinksi cannot teach the claim 5 element of "means for monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system".

means for communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message

Also, Gazdzinksi fails to teach "means for communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message", as required by claim 1, as amended for similar reasons that Gazdzinksi cannot teach the claim 1 element of "communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message". Thus, Gazdzinksi cannot teach the claim 5 element of "means for communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message".

It is therefore clear that Gazdzinksi cannot teach each element of claim 5 and, therefore, a rejection of claim 5 under 35 U.S.C. § 102(e) is inappropriate.

Claim 10

Since claim 10, as amended, is the program storage device version of claim 1, as amended, with the same elements as claim 1, as amended, and since Gazdzinksi cannot teach each element of claim 1, as amended, Gazdzinksi also cannot teach each element of claim 10, as amended, and therefore, a rejection of claim 10, as amended, under 35 U.S.C. § 102(e) is inappropriate.

Claims 3, 7, and 12

The Examiner has asserted that

> [r]egarding claims 3 and 7, Gazdzinksi teaches a method, program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to peform the method and system comprising means for interjecting messages into a real-time isochronous discourse between a plurality of users (passengers), (col. 6, lines 39-50; col. 20, lines 42-57) is provided comprising: forming a system (fig. 1) comprising: a system interface for inputting and storing system parameters by an owner of the system, (col. 4, lines 21-31; col. 7, lines 44-55); a communication media interface for communicating with an isochronous communication system (121) being used by two or more callers, (col. 20, lines 43-58); a conversation content analyzer and summarizer for determining if the communication between the callers is relevant to the system parameters, (col. 20, line 59- col.21, line 10); a database for storing system data including system messages to be transmitted to the callers, (col. 20, lines 63-66; col. 21, lines 25-43); a database manager for matching system parameters with the communication between the callers, (col. 21, lines 5-25); and a caller interface (111, 113) for communicating the system data and/or messages to one or more of the callers, (col. 21, lines 34-55); accessing the isochronous communication system being used by two or more callers using the communication media interface, (col. 20, lines 59-62); monitoring the communication between the callers using the communication media interface, (col. 20, line 59-col.21, line 5); analyzing the conversation using the conversation content analyzer and summarizer, (col. 20, lines 43-48); determining if there is a match between the conversation and one or more of the system parameters using the database manager, (col. 20, line 59-col. 21, line 5); sending the system data from the database to the database manager if there is a match and choosing a suitable message from the database for communication to the callers, (col. 21, lines 5-34); and transmitting the message to the callers using the caller interface, (col. 21, lines 14-43).

(See Office Action, page 3, paragraph 1.)

Claim 3

To the extent the Examiner's language at page 3 of the Office Action can be understood, it appears that the Examiner has asserted the following correspondence between Gazdzinksi and claim 3, as amended:

Claim 3	**Gazdzinksi**
A method of interjecting messages into a real-time isochronous discourse between a plurality of callers is provided comprising the steps of:	-
forming a system comprising:	Gazdzinksi does not teach this claim element.
a system interface for inputting and storing system parameters by an owner of the system;	-
a communication media interface for communicating with *a telephone* system being used by two or more callers;	Gazdzinksi does not teach this claim feature.
a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters;	Gazdzinksi does not teach this claim feature.
a database for storing system data including system messages to be transmitted to the callers;	-
a database manager for matching system parameters with the communication *on the telephone system* between the callers; and	Gazdzinksi does not teach this claim feature.
a caller interface for communicating the system data and/or messages to one or more of the callers;	-
accessing the *telephone* system being used by two or more callers using the communication media interface;	Gazdzinksi does not teach this claim element.
monitoring the communication *on the telephone system* between the callers using the communication media interface;	Gazdzinksi does not teach this claim element.
analyzing the conversation *on the telephone system* using the conversation content analyzer and summarizer;	Gazdzinksi does not teach this claim element.

determining if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager;	Gazdzinksi does not teach this claim element.
sending the system data from the database to the database manager if there is a match and choosing a suitable message from the database for communication to the callers; and	-
transmitting the message *via the telephone system* to the callers using the caller interface.	Gazdzinksi does not teach this claim element.

In reviewing the cited portions of Gazdzinksi, however, it becomes apparent that Gazdzinksi has been generalized, and, in fact, does not support the position asserted by the Examiner.

forming a system

In particular, Gazdzinksi fails to teach the "forming a system" element, as required by claim 3, as amended, since Gazdzinksi fails to teach all of the claim features of the "forming a system" element.

a communication media interface for communicating with *a telephone* system being used by two or more callers

In particular, Gazdzinksi fails to teach "a communication media interface for communicating with *a telephone* system being used by two or more callers", as required by claim 3, as amended. Instead, Gazdzinksi discloses "[a]n information and control system for personnel transport devices . . . that is coupled to the elevator system of a building, and includes a touch panel input device, a flat panel display having a touch sensitive screen, and speech recognition and synthesis systems serving each elevator car." (See Gazdzinksi, Abstract and Fig. 1.) In addition, Gazdzinksi discloses that "[i]n prompt mode, the speech of one or more passengers on the elevator car 180 is sampled and analyzed in real time to determine the general topic of conversation between the passengers." (See Gazdzinksi, column 20, lines 59-62.) Thus, Gazdzinksi teaches providing a communication system for passengers of an elevator and, thus, does not teach providing the ability to communicate with a *telephone* system as required in claim 3, as amended. Specifically, claim 3, as amended, requires "a communication media interface for communicating with *a telephone* system being used by two or more callers". Thus, Gazdzinksi cannot teach the claim 3 feature of "a communication media interface for communicating with *a telephone* system being used by two or more callers".

a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters

In addition, Gazdzinksi fails to teach "a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters", as required by claim 3, as amended. Instead, Gazdzinksi discloses "the speech of one or more passengers on the elevator car 180 is sampled and analyzed in real time to determine the general topic of conversation between the passengers." (See Gazdzinksi, column 20, lines 59-62.) Thus, Gazdzinksi teaches providing a system that analyzes the conversations between passengers of an elevator and, thus, does not teach providing the ability to analyze the communication on a *telephone* system between

callers as required in claim 3, as amended. Specifically, claim 3, as amended, requires "a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters". Thus, Gazdzinksi cannot teach the claim 3 feature of "a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters".

a database manager for matching system parameters with the communication *on the telephone system* between the callers

In addition, Gazdzinksi fails to teach "a database manager for matching system parameters with the communication *on the telephone system* between the callers". Instead, Gazdzinksi discloses "the speech of one or more passengers on the elevator car 180 is sampled and analyzed in real time to determine the general topic of conversation between the passengers", as required by claim 3, as amended. (See Gazdzinksi, column 20, lines 59-62.) and a "processor 106 (FIG. 1) [that] accesses a stored data file or library of sub-files of keywords stored on the remote server 170 or local storage device 108 which relate to certain topics of interest." (See Gazdzinksi, column 20, lines 63-66.) Thus, Gazdzinksi teaches providing a system that matches the conversations between passengers of an elevator and, thus, does not teach providing the ability to match system parameters with the communication *on the telephone system* between the callers as required in claim 3, as amended. Specifically, claim 3, as amended, requires "a database manager for matching system parameters with the communication *on the telephone system* between the callers". Thus, Gazdzinksi cannot teach the claim 3 feature of "a database manager for matching system parameters with the communication *on the telephone system* between the callers".

Since Gazdzinksi cannot teach all of the claim features of the "forming a system" element of claim 3, as amended, Gazdzinksi cannot teach he claim 3 element of "forming a system".

accessing the *telephone* system being used by two or more callers using the communication media interface

In addition, Gazdzinksi fails to teach "accessing the *telephone* system being used by two or more callers using the communication media interface", as required by claim 3, as amended. Instead, Gazdzinksi discloses "[a]n information and control system for personnel transport devices . . . that is coupled to the elevator system of a building, and includes a touch panel input device, a flat panel display having a touch sensitive screen, and speech recognition and synthesis systems serving each elevator car." (See Gazdzinksi, Abstract and Fig. 1.) In addition, Gazdzinksi discloses that "[i]n prompt mode, the speech of one or more passengers on the elevator car 180 is sampled and analyzed in real time to determine the general topic of conversation between the passengers." (See Gazdzinksi, column 20, lines 59-62.) Thus, Gazdzinksi teaches a communication system for passengers of an elevator and, thus, does not teach accessing a telephone system as required in claim 3, as amended. Specifically, claim 3, as amended, requires "accessing the *telephone* system being used by two or more callers using the communication media interface". Thus, Gazdzinksi cannot teach the claim 3 element of "accessing the *telephone* system being used by two or more callers using the communication media interface".

monitoring the communication *on the telephone system* between the callers using the communication media interface

Also, Gazdzinksi fails to teach "monitoring the communication *on the telephone system* between the callers using the communication media interface", as required by claim 3, as amended. Since Gazdzinksi cannot teach the claim 3 element of "accessing the *telephone* system being used by two or more callers using the communication media interface", Gazdzinksi cannot teach the claim 3 element of "monitoring the communication *on the telephone system*

between the callers using the communication media interface" since in order to monitor a communication on a telephone system, the telephone system would have to be first accessed.

analyzing the conversation *on the telephone system* using the conversation content analyzer and summarizer

Also, Gazdzinksi fails to teach "analyzing the conversation *on the telephone system* using the conversation content analyzer and summarizer", as required by claim 3, as amended. Since Gazdzinksi cannot teach the claim 3 element of "accessing the *telephone* system being used by two or more callers using the communication media interface", Gazdzinksi cannot teach the claim 3 element of "analyzing the conversation *on the telephone system* using the conversation content analyzer and summarizer" since in order to analyze a conversation on a telephone system, the telephone system would have to be first accessed.

determining if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager

Also, Gazdzinksi fails to teach "determining if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager", as required by claim 3, as amended. Since Gazdzinksi cannot teach the claim 3 element of "accessing the *telephone* system being used by two or more callers using the communication media interface", Gazdzinksi cannot teach the claim 3 element of "determining if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager" since in order to determine if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager, the telephone system would have to be first accessed.

transmitting the message *via the telephone system* to the callers using the caller interface

Also, Gazdzinksi fails to teach "transmitting the message *via the telephone system* to the callers using the caller interface", as required by claim 3, as amended. Instead, Gazdzinksi discloses that the "CELP or other format audio file is decompressed and converted to an analog representation using the speech synthesis module 112 (FIG. 1) and amplified over the speakers 111 in the elevator car 180 if desired." (See Gazdzinksi, column 21, lines 39-43 and Fig. 1.) Thus, Gazdzinksi teaches communicating an analog representation of an audio file, a message, to passengers of an elevator car via the *speakers* of the elevator car. However, claim 3, as amended, requires "transmitting the message *via the telephone system* to the callers using the caller interface". In other words, claim 3 requires communicating the message via the same *telephone system* that the callers are communicating on. Therefore, Gazdzinksi teaches away from claim 3, as amended, by teaching communicating a message (1) by the *speakers* of an elevator car to passengers of the elevator car and (b) not via a *telephone system* to callers involved in a discourse on the *telephone system*. Thus, Gazdzinksi cannot teach the claim 3 element of "transmitting the message *via the telephone system* to the callers using the caller interface".

It is therefore clear that Gazdzinksi cannot teach each element of claim 3 and, therefore, a rejection of claim 3 under 35 U.S.C. § 102(e) is inappropriate.

Claim 7

To the extent the Examiner's language at page 3 of the Office Action can be understood, it appears that the Examiner has asserted the following correspondence between Gazdzinksi and claim 7, as amended:

Claim 7	Gazdzinksi
A system is provided for interjecting messages into a real-time isochronous discourse between a plurality of	-

callers comprising:	
means for forming a system comprising:	Gazdzinksi does not teach this claim element.
a system interface for inputting and storing system parameters by the owner of the system;	-
a communication media interface for communicating with *a telephone* system being used by two or more callers;	Gazdzinksi does not teach this claim feature.
a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters;	Gazdzinksi does not teach this claim feature.
a database for storing system data including system messages to be transmitted to the callers;	-
a database manager for matching system parameters with the communication *on the telephone system* between the callers; and	Gazdzinksi does not teach this claim feature.
a caller interface for communicating the system data and/or messages to one or more of the callers;	-
wherein the *telephone* system being used by two or more callers is accessed using the communication media interface;	Gazdzinksi does not teach this claim feature.
the communication *on the telephone system* between the callers is monitored using the communication media interface;	Gazdzinksi does not teach this claim feature.
the conversation *on the telephone system* is analyzed using the conversation content analyzer and summarizer; and	Gazdzinksi does not teach this claim feature.
the conversation *on the telephone system* is compared with one or more of the system parameters using the database manager and, if there is a match, sending the system data from the database to the database manager and choosing a suitable message from the database for communication to the callers and transmitting the message *via the telephone system* to the callers using the caller interface.	Gazdzinksi does not teach this claim feature.

In reviewing the cited portions of Gazdzinksi, however, it becomes apparent that Gazdzinksi has been generalized, and, in fact, does not support the position asserted by the Examiner.

means for forming a system

In particular, Gazdzinksi fails to teach the "means for forming a system" element, as required by claim 7, as amended. Since the "means for forming a system" element is the "means for" version of the "forming a system" element of claim 3 with the same elements as claim 3 and since Gazdzinksi cannot teach each feature of the "forming a system" element of claim 3, Gazdzinksi also cannot teach each feature of the "means for forming a system" element of claim 7. Thus, Gazdzinksi cannot teach the claim 7 element of "means for forming a system"

wherein the *telephone* system being used by two or more callers is accessed using the communication media interface

In addition, Gazdzinksi fails to teach "wherein the telephone system being used by two or more callers is accessed using the communication media interface", as required by claim 7, as amended. Since Gazdzinksi cannot teach the claim 3 element of "accessing the *telephone* system being used by two or more callers using the communication media interface", Gazdzinksi also cannot teach the claim 7 feature of "wherein the telephone system being used by two or more callers is accessed using the communication media interface".

the communication *on the telephone system* between the callers is monitored using the communication media interface

Also, Gazdzinksi fails to teach "the communication *on the telephone system* between the callers is monitored using the communication media interface", as required by claim 7, as amended. Since Gazdzinksi cannot teach the claim 7 feature of "wherein the *telephone system* being used by two or more callers is accessed using the communication media interface", Gazdzinksi cannot teach the claim 7 feature of "the communication *on the telephone system* between the callers is monitored using the communication media interface" since in order to monitor a communication on a telephone system, the telephone system would have to be first accessed.

the conversation *on the telephone system* is analyzed using the conversation content analyzer and summarizer

Also, Gazdzinksi fails to teach "the conversation *on the telephone system* is analyzed using the conversation content analyzer and summarizer", as required by claim 7, as amended. Since Gazdzinksi cannot teach the claim 7 feature of "wherein the *telephone system* being used by two or more callers is accessed using the communication media interface", Gazdzinksi cannot teach the claim 7 feature of "the conversation *on the telephone system* is analyzed using the conversation content analyzer and summarizer" since in order to analyze a conversation on a telephone system, the telephone system would have to be first accessed.

the conversation *on the telephone system* is compared with one or more of the system parameters using the database manager and, if there is a match, sending the system data from the database to the database manager and choosing a suitable message from the database for communication to the callers and transmitting the message *via the telephone system* to the callers using the caller interface

Also, Gazdzinksi fails to teach "the conversation *on the telephone system* is compared with one or more of the system parameters using the database manager and, if there is a match, sending the system data from the database to the database manager and choosing a suitable message from the database for communication to the callers and transmitting the message *via the telephone system* to the callers using the caller interface", as required by claim 7, as amended. Since

Gazdzinksi cannot teach the claim 7 feature of "wherein the *telephone system* being used by two or more callers is accessed using the communication media interface", Gazdzinksi cannot teach the claim 7 feature of "the conversation *on the telephone system* is compared with one or more of the system parameters using the database manager" since in order to compare if a conversation *on a telephone system* with parameters, the *telephone system* would have to be first accessed. In addition, since Gazdzinksi cannot teach the claim 3 element of "transmitting the message *via the telephone system* to the callers using the caller interface", Gazdzinksi cannot teach the claim 7 feature of "transmitting the message *via the telephone system* to the callers using the caller interface". Thus, Gazdzinksi cannot teach the claim 7 feature of "the conversation *on the telephone system* is compared with one or more of the system parameters using the database manager and, if there is a match, sending the system data from the database to the database manager and choosing a suitable message from the database for communication to the callers and transmitting the message *via the telephone system* to the callers using the caller interface".

It is therefore clear that Gazdzinksi cannot teach each element and each feature of claim 7 and, therefore, a rejection of claim 7 under 35 U.S.C. § 102(e) is inappropriate.

Claim 12

Since claim 12, as amended, is the program storage device version of claim 3, as amended, with the same elements as claim 3, as amended, and since Gazdzinksi cannot teach each element of claim 3, as amended Gazdzinksi also cannot teach each element of claim 12, as amended, and therefore, a rejection of claim 12, as amended, under 35 U.S.C. § 102(e) is inappropriate.

35 U.S.C. § 103 Claim Rejections

By the Office Action dated October 10, 2003, the Examiner has rejected claims 1-13 under 35 U.S.C. § 103(a) as being unpatentable over Sawyer, U.S. Patent No. 6,351,279 (hereinafter Sawyer) in view of Gazdzinksi. In order to form a proper obviousness rejection of a claim under 35 U.S.C. § 103(a), a collection of references together must teach or suggest each element of the claim, including the relationships between the elements. If any element is not fully taught by the combined references, the rejection cannot be sustained.

Evaluating Sawyer in view of Gazdzinksi in this light, it is appropriate to examine the portions of Sawyer in view of Gazdzinksi that the Examiner has pointed to as teaching the claimed elements of the rejected claims.

Claims 1, 2, 5, 6, 10, and 11

The Examiner has asserted that

> [r]egarding claims 1, 5 and 10, Sawyer teaches a method, program storage device readable by a machine to perform the method steps and a system comprising means for interjecting messages into a real-time isochronous discourse between a plurality of users (abstract; col. 1, lines 63-65; col. 3, lines 29-52) comprising: providing a system for accessing a real-time isochronous discourse between two or more callers, (col. 3, lines 29-52); accessing a real-time isochronous discourse between two or more callers, (col. 3, lines 29-52).

(See Office Action, page 5, paragraph 4.) Then, the Examiner admitted that "Sawyer does not specifically teach of monitoring the discourse between the callers and communication a message related to the disclosure." (See Office Action, page 6, paragraph 1.)

> The Examiner then asserted that
> Gazdzinksi teaches that it was well known in the art to monitor the discourse between callers to determine if the discourse relates to a message desired to be communicated to the callers by the system, (col. 20, line 59-col.21, line5); and communicating the desired message to the callers when the discourse is determined to be related to the desired message, (col. 21, lines 14-43); and continuing the above steps unit the discourse being accessed is terminated by the callers of the system, (col. 21, lines 44-55).

(See Office Action, page 6, paragraph 2.) Finally, the Examiner asserted that

> [t]herefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sawyer by monitoring the conversation of the callers and providing a message based on their conversation as taught by Gazdzinksi so that the system can provide adaptive advertisements that is based upon the users interest at the time that the conversation takes place.

(See Office Action, page 6, paragraph 3.)

Claim 1

To the extent the Examiner's language at pages 5 and 6 of the Office Action can be understood, it appears that the Examiner has asserted the following correspondence between Sawyer and Gazdzinksi and claim 1, as amended:

Claim 1	**Sawyer**	**Gazdzinksi**
A method of interjecting messages into a real-time isochronous discourse between a plurality of users comprising the steps of:	-	-
providing a system for accessing a real-time isochronous discourse *on a telephone* between two or more callers;	-	Gazdzinksi does not teach this claim element.
accessing a real-time isochronous discourse *on the telephone* between two or more callers;	-	Gazdzinksi does not teach this claim element.
monitoring the discourse *on the telephone* between the callers	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim element.

to determine if the discourse relates to a message desired to be communicated to the callers by the system;		
communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message; and	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim element.
continuing the above steps until the discourse being accessed is terminated by the callers or the system.	-	-

In reviewing the cited portions of Sawyer and Gazdzinksi, however, it becomes apparent that Sawyer and Gazdzinksi have been generalized, and, in fact, does not support the position asserted by the Examiner.

monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system

In particular, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest "monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system", as required by claim 1, as amended. Since Gazdzinksi cannot teach the claim 1 element of "monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system", Gazdzinksi cannot teach or suggest the claim 1 element of "monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system". Since the Examiner admitted that Sawyer does not teach "monitoring the discourse between the callers", Sawyer cannot teach or suggest the claim 1 element of "monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system". Therefore, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 1 element of "monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system".

communicating the desired message via the telephone to the callers when the discourse is determined to be related to the desired message

Also, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest "communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message", as required by claim 1, as amended. Since Gazdzinksi cannot teach the claim 1 element of "communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message", Gazdzinksi cannot teach or suggest the claim 1 element of "communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message". Since the Examiner admitted that

Sawyer does not teach "communication a message related to the discourse", Sawyer cannot teach or suggest the claim 1 element of "communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message". Therefore, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 1 element of "communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message".

It is therefore clear that Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 1 and, therefore, a rejection of claim 1 under 35 U.S.C. § 103(a) is inappropriate.

Claim 2

Since dependent claim 2 depends on claim 1 and since Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 1, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 2, and, therefore, a rejection of claim 2 under 35 U.S.C. § 103(a) is inappropriate.

Claim 5

To the extent the Examiner's language at pages 5 and 6 of the Office Action can be understood, it appears that the Examiner has asserted the following correspondence between Sawyer and Gazdzinksi and claim 5, as amended:

Claim 5	**Sawyer**	**Gazdzinksi**
A system for interjecting messages into a real-time isochronous discourse between a plurality of users comprising:	-	-
means for accessing a real-time isochronous discourse *on a telephone* between two or more callers;	-	Gazdzinksi does not teach this claim element.
means for monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system; and	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim element.
means for communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message.	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim element.

In reviewing the cited portions of Sawyer and Gazdzinksi, however, it becomes apparent that Sawyer and Gazdzinksi have been generalized, and, in fact, does not support the position asserted by the Examiner.

means for monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system

In particular, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest "means for monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system", as required by claim 5, as amended. Since Gazdzinksi cannot teach the claim 5 element of "means for monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system", Gazdzinksi cannot teach or suggest the claim 5 element of "means for monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system". Since the Examiner admitted that Sawyer does not teach the claim 5 element of "monitoring means for monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system", Sawyer cannot teach or suggest the claim 5 element of "means for monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system". Therefore, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 5 element of "means for monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system".

means for communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message

Also, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest "means for communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message", as required by claim 5, as amended. Since Gazdzinksi cannot teach the claim 5 element of "means for communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message", Gazdzinksi cannot teach or suggest the claim 5 element of "means for communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message". Since the Examiner admitted that Sawyer does not teach the claim 5 element of "means for communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message", Sawyer cannot teach or suggest the claim 5 element of "means for communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message". Therefore, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 5 element of "means for communicating the desired message *via the telephone* to the callers when the discourse is determined to be related to the desired message".

It is therefore clear that Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 5 and, therefore, a rejection of claim 5 under 35 U.S.C. § 103(a) is inappropriate.

Claim 6

Since dependent claim 6 depends on claim 5 and since Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 5, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 6, and, therefore, a rejection of claim 6 under 35 U.S.C. § 103(a) is inappropriate.

Claim 10

Since claim 10, as amended, is the program storage device version of claim 1, as amended, with the same elements as claim 1, as amended, and since Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 1, as amended, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each

element of claim 10, as amended, and therefore, a rejection of claim 10, as amended, under 35 U.S.C. § 103(a) is inappropriate.

Claim 11

Since dependent claim 11 depends on claim 10 and since Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 10, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 11, and, therefore, a rejection of claim 11 under 35 U.S.C. § 103(a) is inappropriate.

Claims 3, 4, 7, 8, 9, 12, and 13

The Examiner has asserted that

> [r]egarding claims 3 and 7, Sawyer teaches a method, program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method and a system comprising means for interjecting messages into a real-time isochronous discourse between a plurality of callers is provided (abstract; col. 1, lines 63-65; col. 3, lines 29-52) comprising: forming a system comprising: a system interface for inputting and storing system parameters by an owner of the system, (col. 4, lines 8-32); a communication media interface for communicating with an isochronous communication system being used by two or more callers, (col. 2, line 63-col. 3, line 8; fig. 3); a database for storing system data including system messages to be transmitted to the callers, (col. 3, lines 9-28); a caller interface for communicating the system data and/or messages to one or more of the callers, (col. 3, lines 9-8, col. 4, lines 33-50).

(See Office Action, page 6, paragraph 5.) Then, the Examiner admitted that "Sawyer does not specifically teach of a conversation analyzer and choosing a message based on the conversation." (See Office Action, page 7, paragraph 1.)

The Examiner then asserted that

> Gazdzinksi teaches that it was well known in the art to have a conversation content analyzer and summarizer for determining if the communication between the callers is relevant to the system parameters, (col. 20, line 59- col.21, line 10); a database manager for matching system parameters with the communication between the callers, (col. 21, lines 5-25); and accessing the isochronous communication system being used by two or more callers using the communication media interface, (col. 20, lines 59-62); monitoring the communication between the callers using the communication media interface, (col. 20, line 59-col.21, line 5); analyzing the conversation using the conversation content analyzer and summarizer, (col. 20, lines 43-48); determining if there is a match between the conversation and one or more of the system parameters using the database manager, (col. 20, line 59-col. 21,

line 5); sending the system data from the database to the database manager if there is a match and choosing a suitable message from the database for communication to the callers, (col. 21, lines 5-34); and transmitting the message to the callers using the caller interface, (col. 21, lines 14-43).

(See Office Action, page 7, paragraph 2.) Finally, the Examiner asserted that

> [t]herefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sawyer by using a conversation analyzer to provide the callers with customized announcements based on their conversation as taught by Gazdzinksi so that the system can provide adaptive advertisements that is based upon the users interest at the time that the conversation takes place.

(See Office Action, page 8, paragraph 1.)

Claim 3

To the extent the Examiner's language at pages 6, 7, and 8 of the Office Action can be understood, it appears that the Examiner has asserted the following correspondence between Sawyer and Gazdzinksi and claim 3, as amended:

Claim 3	**Sawyer**	**Gazdzinksi**
A method of interjecting messages into a real-time isochronous discourse between a plurality of callers is provided comprising the steps of:	-	-
forming a system comprising:	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim element.
a system interface for inputting and storing system parameters by an owner of the system;	-	-
a communication media interface for communicating with *a telephone* system being used by two or more callers;	-	Gazdzinksi does not teach this claim feature.
a conversation content analyzer and summarizer for	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim feature.

determining if the communication *on the telephone system* between the callers is relevant to the system parameters;		
a database for storing system data including system messages to be transmitted to the callers;	-	-
a database manager for matching system parameters with the communication *on the telephone system* between the callers; and	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim feature.
a caller interface for communicating the system data and/or messages to one or more of the callers;	-	-
accessing the *telephone* system being used by two or more callers using the communication media interface;	-	Gazdzinksi does not teach this claim element.
monitoring the communication *on the telephone system* between the callers using the communication media interface;	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim element.
analyzing the conversation *on the telephone system* using the conversation content analyzer and summarizer;	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim element.
determining if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager;	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim element.
sending the system data from the database to the database	Sawyer does not teach this claim element.	-

manager if there is a match and choosing a suitable message from the database for communication to the callers; and		
transmitting the message *via the telephone system* to the callers using the caller interface.	-	Gazdzinksi does not teach this claim element.

In reviewing the cited portions of Sawyer and Gazdzinksi, however, it becomes apparent that Sawyer and Gazdzinksi have been generalized, and, in fact, does not support the position asserted by the Examiner.

forming a system

In particular, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest the "forming a system" element, as required by claim 3, as amended, since Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest all of the claim features of the "forming a system" element.

a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters

In particular, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest "a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters", as required by claim 3, as amended. Since Gazdzinksi cannot teach the claim 3 feature of "a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters", Gazdzinksi cannot teach or suggest the claim 3 feature of "a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters". Since the Examiner admitted that Sawyer does not teach "a conversation content analyzer", Sawyer cannot teach or suggest the claim 3 feature of "a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters". Therefore, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 3 feature of "a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters".

a database manager for matching system parameters with the communication *on the telephone system* between the callers

In addition, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest "a database manager for matching system parameters with the communication *on the telephone system* between the callers", as required by claim 3, as amended. Since Gazdzinksi cannot teach the claim 3 feature of "a database manager for matching system parameters with the communication *on the telephone system* between the callers", Gazdzinksi cannot teach or suggest the claim 3 feature of "a database manager for matching system parameters with the communication *on the telephone system* between the callers". Since the Examiner admitted that Sawyer does not teach "choosing[, or matching to system parameters,] a message based on the conversation", Sawyer cannot teach or suggest the claim 3 feature of "a database manager for matching system parameters with the communication *on the telephone system* between the callers".

Therefore, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 3 feature of "a database manager for matching system parameters with the communication *on the telephone system* between the callers".

Since Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest all of the claim features of the "forming a system" element of claim 3, as amended, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 3 element of "forming a system".

monitoring the discourse *on the telephone* between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system

In addition, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest "monitoring the communication *on the telephone system* between the callers using the communication media interface", as required by claim 3, as amended. Since Gazdzinksi cannot teach the claim 3 element of "monitoring the communication *on the telephone system* between the callers using the communication media interface", Gazdzinksi cannot teach or suggest the claim 3 element of "monitoring the communication *on the telephone system* between the callers using the communication media interface". Since the Examiner admitted that Sawyer does not teach "monitoring the discourse between the callers" (See Office Action, page 6, paragraph 1.), Sawyer cannot teach or suggest the claim 3 element of "monitoring the communication *on the telephone system* between the callers using the communication media interface". Therefore, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 3 element of "monitoring the communication *on the telephone system* between the callers using the communication media interface".

analyzing the conversation *on the telephone system* using the conversation content analyzer and summarizer

Also, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest "analyzing the conversation *on the telephone system* using the conversation content analyzer and summarizer", as required by claim 3, as amended. Since Gazdzinksi cannot teach the claim 3 element of "analyzing the conversation *on the telephone system* using the conversation content analyzer and summarizer", Gazdzinksi cannot teach or suggest the claim 3 element of "analyzing the conversation *on the telephone system* using the conversation content analyzer and summarizer". Since the Examiner admitted that Sawyer does not teach "a conversation content analyzer", Sawyer cannot teach or suggest the claim 3 element of "analyzing the conversation *on the telephone system* using the conversation content analyzer and summarizer". Therefore, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 3 element of "analyzing the conversation *on the telephone system* using the conversation content analyzer and summarizer".

determining if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager

Also, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest "determining if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager", as required by claim 3, as amended. Since Gazdzinksi cannot teach the claim 3 element of "determining if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager", Gazdzinksi cannot teach or suggest the claim 3 element of "determining if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager". Since the Examiner admitted that Sawyer does not teach "a conversation content analyzer", Sawyer cannot teach or suggest the claim 3 element of "determining if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager". Therefore, Sawyer and Gazdzinksi, alone or in combination, cannot

teach or suggest the claim 3 element of "determining if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager".

It is therefore clear that Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 3 and, therefore, a rejection of claim 3 under 35 U.S.C. § 103(a) is inappropriate.

Claim 4

Since dependent claim 4 depends on claim 3 and since Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 3, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 4 and, therefore, a rejection of claim 4 under 35 U.S.C. § 103(a) is inappropriate.

Claim 7

To the extent the Examiner's language at pages 6, 7, and 8 of the Office Action can be understood, it appears that the Examiner has asserted the following correspondence between Sawyer and Gazdzinksi and claim 3, as amended:

Claim 7	**Sawyer**	**Gazdzinksi**
A system is provided for interjecting messages into a real-time isochronous discourse between a plurality of callers comprising:	-	-
means for forming a system comprising:	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim element.
a system interface for inputting and storing system parameters by the owner of the system;	-	-
a communication media interface for communicating with *a telephone* system being used by two or more callers;	-	Gazdzinksi does not teach this claim feature.
a conversation content analyzer and summarizer for determining if the communication *on the telephone system* between the callers is relevant to the system parameters;	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim feature.
a database for storing system data including system messages to be transmitted to the callers;	-	-
a database manager for matching system	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim feature.

parameters with the communication *on the telephone system* between the callers; and		
a caller interface for communicating the system data and/or messages to one or more of the callers;	-	-
wherein the *telephone* system being used by two or more callers is accessed using the communication media interface;	-	Gazdzinksi does not teach this claim feature.
the communication *on the telephone system* between the callers is monitored using the communication media interface;	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim feature.
the conversation *on the telephone system* is analyzed using the conversation content analyzer and summarizer; and	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim feature.
the conversation *on the telephone system* is compared with one or more of the system parameters using the database manager and, if there is a match, sending the system data from the database to the database manager and choosing a suitable message from the database for communication to the callers and transmitting the message *via the telephone system* to the callers using the caller interface.	Sawyer does not teach this claim element.	Gazdzinksi does not teach this claim feature.

In reviewing the cited portions of Sawyer and Gazdzinksi, however, it becomes apparent that Sawyer and Gazdzinksi have been generalized, and, in fact, does not support the position asserted by the Examiner.

means for forming a system

In particular, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest the "means for forming a system" element, as required by claim 7, as amended. Since the "means for forming a system" element is the "means for" version of the "forming a system" element of claim 3 with the same elements as claim 3 and since Sawyer and

Gazdzinksi, alone or in combination, cannot to teach or suggest the "forming a system" element of claim 3, Sawyer and Gazdzinksi, alone or in combination, also cannot teach or suggest the claim 7 element of "means for forming a system".

the communication *on the telephone system* between the callers is monitored using the communication media interface

In addition, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest "the communication *on the telephone system* between the callers is monitored using the communication media interface", as required by claim 7, as amended. Since Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 3 element of "monitoring the communication *on the telephone system* between the callers using the communication media interface", Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 7 feature of "the communication *on the telephone system* between the callers is monitored using the communication media interface".

the conversation *on the telephone system* is analyzed using the conversation content analyzer and summarizer

Also, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest "the conversation *on the telephone system* is analyzed using the conversation content analyzer and summarizer", as required by claim 7, as amended. Since Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 3 element of "analyzing the conversation *on the telephone system* using the conversation content analyzer and summarizer", Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 7 feature of "the conversation *on the telephone system* is analyzed using the conversation content analyzer and summarizer".

the conversation *on the telephone system* is compared with one or more of the system parameters using the database manager and, if there is a match, sending the system data from the database to the database manager and choosing a suitable message from the database for communication to the callers and transmitting the message *via the telephone system* to the callers using the caller interface

Also, Sawyer and Gazdzinksi, alone or in combination, fail to teach or suggest "the conversation *on the telephone system* is compared with one or more of the system parameters using the database manager and, if there is a match, sending the system data from the database to the database manager and choosing a suitable message from the database for communication to the callers and transmitting the message *via the telephone system* to the callers using the caller interface", as required by claim 7, as amended. Since Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 3 element of "determining if there is a match between the conversation *on the telephone system* and one or more of the system parameters using the database manager", Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest the claim 7 feature of "the conversation *on the telephone system* is compared with one or more of the system parameters using the database manager and, if there is a match, sending the system data from the database to the database manager and choosing a suitable message from the database for communication to the callers and transmitting the message *via the telephone system* to the callers using the caller interface".

It is therefore clear that Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 7 and, therefore, a rejection of claim 7 under 35 U.S.C. § 103(a) is inappropriate.

Claim 8

Since dependent claim 8 depends on claim 7 and since Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 7, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 8 and, therefore, a rejection of claim 8 under 35 U.S.C. § 103(a) is inappropriate.

Claim 9

Since dependent claim 9 depends on claim 8 and since Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 8, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 9 and, therefore, a rejection of claim 9 under 35 U.S.C. § 103(a) is inappropriate.

Claim 12

Since claim 12, as amended, is the program storage device version of claim 3, as amended, with the same elements as claim 3, as amended, and since Gazdzinksi Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 3, as amended, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 12, as amended, and therefore, a rejection of claim 12, as amended, under 35 U.S.C. § 103(a) is inappropriate.

Claim 13

Since dependent claim 13 depends on claim 12 and since Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 12, Sawyer and Gazdzinksi, alone or in combination, cannot teach or suggest each element of claim 13 and, therefore, a rejection of claim 13 under 35 U.S.C. § 103(a) is inappropriate.

Conclusion

It is therefore clear that claims 1-13 comply with the requirements of 35 U.S.C. §§ 102, 103, and 112. The application is therefore in condition for allowance. Early notification to that effect is respectfully solicited. In the event that any issue remains unresolved, the Examiner is invited to telephone the undersigned at 408-927-3377.

Respectfully Submitted,

Date: January 12, 2004

Leonard T. Guzman
Reg. No. 46,308

IBM Almaden Research Center
650 Harry Road
C45A/J2B
San Jose, CA 95120

Phone Number: 408-927-3377
Facsimile Number: 408-927-3375